

Message Text

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PAGE 01 MEXICO 11391 061945Z

62

ACTION ARA-10

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC NIACT IMMEDIATE 7206

INFO ALL US CONSULATES IN MEXICO VIA POUCH

UNCLAS MEXICO 11391

E. O. 11652: N/A

TAGS: CASC, MX

SUBJECT: MEXICAN LEGAL INITIATIVES ON PRISONER PROBLEM

1. UNDERSECRETARY OF GOBERNACION SERGIO GARCIA RAMIREZ
ANNOUNCED AT A PRESS CONFERENCE SEPTEMBER 5 THAT PRESIDENT
ECHEVERRIA WAS SENDING TO CONGRESS TWO INITIATIVES ADDRESSED
TO THE PROBLEM OF PRISONERS. ACCORDING TO REPORT IN
EXCELSIOR AND ENGLISH-LANGUAGE NEWS, THE FIRST INITIATIVE WOULD
AMEND ARTICLE 18 OF THE MEXICAN CONSTITUTION BY ADDING A PARAGRAPH
GIVING THE CHIEF EXECUTIVE THE POWER TO NEGOTIATE
CONVENTIONS WITH FOREIGN GOVERNMENTS UNDER WHICH PRISONERS OF
OTHER NATIONALITIES SENTENCED FOR OFFENSES UNDER FEDERAL LAW
COULD SERVE THEIR SENTENCES IN THEIR COUNTRIES OF ORIGIN.
GARCIA RAMIREZ EXPLAINED THAT THE PROPOSAL IS INTENDED TO PROMOTE
THE SOCIAL REHABILITATION OF PRISONERS, WHICH IS DIFFICULT WHEN
THEY ARE IMPRISONED IN A FOREIGN COUNTRY WHOSE CUSTOMS, INSTITU-
TIONS AND CULTURE DIFFER FROM THOSE OF THE SOCIETY TO WHICH THEY
MUST RETURN. HE EXPLAINED THAT THE TRANSFER TO ONE'S OWN
COUNTRY WOULD BE OPTIONAL, NOT AUTOMATIC, AND THAT
THOSE CONVICTED OF POLITICAL OFFENSES WOULD NOT BENEFIT FROM
THE PROPOSAL. ACCORDING TO THE NEWS, THE PROPOSED AMENDMENT PROVIDES
THAT FOREIGN PRISONERS CONVICTED OF OFFENSES UNDER STATE LAWS MIGHT
PARTICIPATE IN THE EXCHANGE IF THE STATE GOVERNOR PETITIONS THE
FEDERAL GOVERNMENT.

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PAGE 02 MEXICO 11391 061945Z

2. BASED ON REPORTS IN EXCELSIOR AND THE NEWS, THE SECOND INITIATIVE PROPOSES AN AMENDMENT TO ARTICLE 85 OF THE PENAL CODE TO ALLOW PRISONERS CONVICTED OF CRIMES AGAINST HEALTH (WHICH INCLUDES NARCOTICS OFFENSES) TO BE ELIGIBLE FOR PAROLE(LIBERTAD PREPARATORIA). THE PROPOSAL WOULD MODIFY A 1971 AMENDMENT WHICH EXCLUDED THIS CATEGORY OF OFFENDERS FROM ELIGIBILITY FOR PAROLE. HABITUAL CRIMINALS AND THOSE CONVICTED TWICE FOR THE SAME CRIME WOULD NOT BE ELIGIBLE FOR PAROLE.

3. COMMENT: EMBASSY ATTEMPTING TO CONTACT GARCIA RAMIREZ TO OBTAIN MORE DETAILS ON PROPOSED LEGISLATION.

PAROLE PROPOSAL, WOULD PRESUMABLY ALLOW PRISONERS TO BENEFIT FROM PROVISIONS PROVIDING FOR "LIBERTAD PREPARATORIA" AFTER SERVING TWO-THIRDS OF SENTENCE, IN ADDITION TO REDUCTION OF SENTENCE GAINED BY COMMISSIONED WORK. UNDER SUCH TERMS MANY, IF NOT MOST, OF CONVICTED AMERICAN PRISONERS WOULD BE ELIGIBLE FOR PAROLE IN NEAR FUTURE.

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